

**ORDINANCE NO. 16
SERIES 2015**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON APPROVING A MAJOR CHANGE TO AN EXISTING PLANNED UNIT DEVELOPMENT, TO AMEND TABLE 10.1: INDUSTRIAL MODIFIED DISTRICT PERMITTED USES AND PARKING SPACE REQUIREMENTS, TO INCLUDE A MUSEUM AS A PERMITTED USE WITHIN THE GUNNISON RISING PUD DEVELOPMENT STANDARDS

WHEREAS, Section 10.7 H. 1. (Major Changes), of the *City of Gunnison Land Development Code*, states that changes altering the concept or intent of the planned unit development including increased density may be approved only by submission and reconsideration of a new PUD zoning plan and supporting data, which is processed by following Section 10.3 (Procedures) of the *City of Gunnison Land Development Code*, and

WHEREAS, Steven Westbay, Community Development Director has filed an application with the City of Gunnison, Colorado, seeking approval of a Major Change to an existing PUD; and

WHEREAS, Section 10.7 C. of the *City of Gunnison Land Development Code* states that approval of a PUD constitutes a zone district amendment and approval may only occur if the application meets the majority of the PUD Purposes (Section 10.7 A.), all PUD Standards (10.7 E.) and all Review Standards for Map Amendments (Section 10.6); and

WHEREAS, the Planning and Zoning Commission of the City of Gunnison, Colorado, held a public hearing on said application pursuant to Section 6.7 (Provisions of Public Notice) of the *Land Development Code*, on September 23, 2015; and

WHEREAS, on September 23, 2015 the Planning and Zoning Commission of the City of Gunnison reviewed the PUD Purposes, PUD Standards and Review Standards for Map Amendments and recommended approval of the PUD Major Change application to the City Council based on findings of fact established through the proceedings record; and

WHEREAS, the City Council of the City of Gunnison, Colorado, held a public hearing on the Major Change application to the PUD on October 27, 2015;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS:

Section 1. Based upon the application seeking a Major Change to an existing PUD of the property hereinafter described, the evidence presented to the City Council during the public hearing on the application, the recommendation of the Planning and Zoning Commission of the City of Gunnison, Colorado, the City Council hereby finds as follows:

- A. The *Gunnison Rising PUD Development Standards* (November 2009) were previously approved by City Council and recorded with the Gunnison County Clerk and Recorder in association with the Gunnison Rising Annexation.
- B. The record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan, Gunnison Rising Annexation Agreement* (December 3, 2009), the

Supplement to Annexation Agreement (September 14, 2010), *Second Supplement to Annexation Agreement* (July 26, 2011), and the *Gunnison Rising PUD Development Standards*.

- C. The *Gunnison Rising PUD Development Standards* (November 2009) were approved by City Council and recorded with the Gunnison County Clerk and Recorder in association with the Gunnison Rising Annexation.
- D. A major change to a PUD may be approved only by submission and reconsideration of a new PUD zoning plan and supporting data.
- E. The Major Change amends Table 10.1, Industrial Modified District Permitted Uses and Parking Space Requirements to include museums as a permitted use.
- F. The amendment does not alter the purposes of a PUD (*LDC*, Section 10.7 A.) and zoning previously reviewed and approved by City Council.
- G. A museum use is appropriate and compatible with other permitted uses within the IM District.
- H. Community benefits are increased as a result of this Major Change because the Pioneer Museum will be able to expand their operation that is an attraction for tourism, provides community education and helps to enhance the City's entrance.
- I. Richard Bratton, representing the Gunnison Valley Partnership, L.L.C., stated that they fully support this Major Change.
- J. The approval of this Major Change will be a positive attribute for the protection of the community's health, safety and welfare.

Section 2. Based on the foregoing findings of the City Council of the City of Gunnison, Colorado, the City Council hereby determines that the approval of the Major Change to the previously approved PUD on the property herein described is in the best interests of the City of Gunnison, Colorado, and its citizens.

Section 3. The Major Change to the PUD, as described in Section 1, subparagraph E, is hereby approved and shall be amended in the *Gunnison Rising PUD Development Standards* (November, 2009).

Section 4. The legal description of the real property which comprises said PUD is as set forth in Exhibit A, attached hereto and incorporated herein by this reference, located in the City of Gunnison, County of Gunnison, State of Colorado.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this ____ day of October, 2015, on first reading, and introduced, read, and adopted on second and final reading this ____ day of November, 2015.

Mayor

(SEAL)

ATTEST:

City Clerk

EXHIBIT A

Overall PUD Zoning Description:

A tract of land situated in Section 1, Township 49 North, Range 1 West, Section 36, Township 50 North, Range 1 West, Sections 5 & 6, Township 49 North and Sections 30 & 31, Township 50 North, Range 1 East, New Mexico Principal Meridian, Gunnison County, State of Colorado, more particularly described as follows:

Beginning at the E $\frac{1}{4}$ corner of said Section 31; Thence S 00°23'38" W 1324.57 Ft. to the Southeast corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 31; Thence S 89°43'41" W 1339.66 Ft. to the Southwest corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 31; Thence S 00°06'24" W 1364.37 Ft. to the South Right-of-Way of U.S. Highway 50; Thence N 89°47'13" E 1335.75 Ft. along said South Right-of-Way; Thence N 89°46'08" E 2629.52 Ft. along said South Right-of-Way to a curve; Thence 568.43 Ft. along the arc of a curve to the right along said South Right-of-Way having a radius of 1382.50 Ft., a central angle of 23°33'29" and a chord of S 80°51'50" E 564.44 Ft. to a reverse curve; Thence 897.91 Ft. along the arc of a curve to the left along said South Right-of-Way having a radius of 1005.00 Ft., a central angle of 51°11'25" and a chord of S 83°46'55" E 868.34 Ft. to a compound curve; Thence 278.27 Ft. along the arc of a curve to the left along said South Right-of-Way having a radius of 1980.00 Ft. a central angle of 08°03'09" and a chord of N 83°10'10" E 278.04 Ft.; Thence S 67°42'16" W 53.30 Ft.; Thence S 40°54'57" W 145.71 Ft.; Thence S 23°32'39" W 126.67 Ft.; Thence S 04°53'25" E 223.24 Ft.; Thence S 03°24'52" W 398.71 Ft.; Thence S 85°33'42" W 700.92 Ft.; Thence N 66°21'06" W 93.44 Ft.; Thence N 58°06'04" W 191.98 Ft.; Thence S 68°05'02" W 44.26 Ft.; Thence N 85°52'10" W 94.86 Ft.; Thence N 48°17'08" W 297.80 Ft.; Thence S 89°20'32" W 198.37 Ft.; Thence S 57°04'57" W 163.61 Ft.; Thence S 31°48'25" W 68.93 Ft.; Thence N 74°42'38" W 467.51 Ft.; Thence S 73°08'43" W 414.66 Ft.; Thence N 60°44'16" W 376.57 Ft.; Thence S 85°00'41" W 740.78 Ft.; Thence S 86°55'49" W 1238.95 Ft.; Thence S 86°09'44" W 1447.72 Ft.; Thence S 07°27'36" W 470.05 Ft.; Thence S 61°10'21" W 472.51 Ft.; Thence N 01°10'36" W 131.32 Ft.; Thence S 89°46'10" W 704.62 Ft. to a Point on the East boundary of the Gunnison County Airport Property Conveyed to Gunnison County by court order, recorded May 29, 2002 at reception number 520716; Thence N 16°24'30" W 1182.48 Ft. along said Airport Boundary; Thence S 73°35'30" W 2887.24 Ft. along said Airport Boundary to the West line of Government Lot 1 of said Section 1; Thence N 00°08'15" W 637.48 Ft. along the West line of Government Lot 1 of said Section 1 to the Southerly line of the Pioneer Society Addition to the City of Gunnison; Thence N 59°40'00" E 992.74 Ft. along said Addition to the South Right-of-Way of U.S. Highway 50; Thence N 89°45'50" E 31.74 Ft. along said South Right-of-Way; Thence N 00°14'10" W 10.00 Ft. along said South Right-of-Way; Thence N 89°45'50" E 422.59 Ft. along said South Right-of-Way; Thence N 00°19'28" E 199.26 Ft. to the South line of the Wilson Subdivision; Thence N 89°44'13" E 298.29 Ft. to the Southeast corner of said Subdivision; Thence N 00°24'42" E 749.87 Ft. to the Northeast corner of said Subdivision; Thence S 90°00'00" W 665.54 Ft. to the Northwest corner of said Subdivision; Thence N 00°20'16" E 160.44 Ft. to the North line of the Western State College tract of land described in Book 592 Page 374, Gunnison County Records; Thence S 89°59'20" W 354.96 Ft. to the Northwest corner of said tract of land; Thence N 00°20'16" E 573.73 Ft. to the Northwest corner of the E $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 36; Thence N 89°59'34" E 723.64 Ft. to the East line of said Section 36; Thence N 00°25'34" E 998.76 Ft. to the East $\frac{1}{4}$ corner of said Section 36; Thence N 00°16'22" W 1408.93 Ft. to a point on the West line of Section 31; Thence S 53°25'47" E 1135.40 Ft.; Thence S 89°58'56" E 366.73 Ft.; Thence N 00°33'12" W 1911.81 Ft. to the Southwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31; Thence N 22°23'07" E 572.25 Ft.; Thence S 88°48'33" E 267.61 Ft.; Thence S 21°46'27" E 386.90 Ft.; Thence S 10°59'31" E 483.90 Ft.; Thence S 29°21'37" E 1146.79 Ft. to the Northeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31; Thence N 89°39'15" E 820.64 Ft.; Thence S 35°58'54" E 582.64 Ft.; N 89°39'15" E 536.57 Ft.; Thence S 35°50'18" E 1042.33 Ft.; Thence N 89°41'54" E 272.84 Ft. to the Point of Beginning containing 636.91 Acres, more or less.